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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

AVENTIS PHARMACEUTICALS INC., et al.,

Plaintiffs,

v.

BARR LABORATORIES, INC.,

Defendant.

Civil Action No. 01-3627 (JAG  
consolidated)

TEVA PHARMACEUTICALS, USA, INC.,

Defendant.

Civil Action No. 03-487 (JAG)

BARR LABORATORIES, INC. and  
RANBAXY LABORATORIES LIMITED and  
RANBAXY PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 04-1064 (JAG)

TEVA PHARMACEUTICALS USA, INC. and  
AMINO CHEMICALS LTD.,

Defendants.

Civil Action No. 04-1078 (JAG)

**ORDER TO SHOW CAUSE**

**THIS MATTER** having been opened to the Court by Connell Foley LLP, attorneys for the plaintiffs, Aventis Pharmaceuticals Inc., Merrell Pharmaceuticals Inc. and Carderm Capital L.P. (collectively "Aventis") and DeCotiis, FitzPatrick, Cole & Wisler LLP, attorneys for AMR Technology, Inc. and Albany Molecular Research, Inc. (collectively "AMR"), by way of Order to Show Cause why Plaintiffs' Motion for a Preliminary Injunction or, Alternatively, for an Expedited Trial should not be granted against Barr Laboratories, Inc., Teva Pharmaceuticals USA, Ranbaxy Laboratories Ltd., Ranbaxy Pharmaceuticals, Inc. ("Ranbaxy") and Amino Chemicals Ltd. ("Amino"); and the Court having considered Declarations of Joel Katcoff, Jeremy Noe, Frank M. Musat, Eli O. Meltzer, M.D., Mark T. Frost, Jerry L. Atwood, Ph.D., Michael L. Gross, Ph.D., James A. Karboski, Richard P. Rozeck, Ph.D. and the Memorandum in Support of Plaintiffs' application; and it

**APPEARING** that Aventis is the owner of US Patent Nos. 6,037,353 (the "'353 patent'"), 6,187,791 (the "'791 patent'") and 6,399,632 (the "'632 patent'") (collectively the "Method Patents") for the marketing of fexofenadine tablets pursuant to labeling which specifically recites the administration of fexofenadine, the active ingredient in Aventis's drug, Allegra<sup>®</sup>, and has sued Barr Laboratories, Inc. ("Barr"), Teva Pharmaceuticals USA ("Teva") and others for infringement of the '353, '791 and '632 patents; and it

**FURTHER APPEARING** that AMR is the owner and that Aventis is the exclusive licensee of US Patent No. 5,750,703 (the "'703 patent" or "Process Patent") for the making, using or selling of fexofenadine or fexofenadine products manufactured by the patented process, and has sued Barr, Teva, Ranbaxy Laboratories Ltd., Ranbaxy

Pharmaceuticals, Inc., Amino Chemicals Ltd. and others for the infringement of the '703 patent; and it

**FURTHER APPEARING** that Barr and Teva have launched its 30 mg, 60 mg and 180 mg generic fexofenadine tablet version of Allegra<sup>®</sup>, and it

**FURTHER APPEARING** that notice of Aventis and AMR's application has been given to Barr, Teva, Ranbaxy and Amino's attorneys and Aventis and AMR's attorneys have served upon Barr, Teva, Ranbaxy and Amino's attorneys with copies of this proposed Order, the Declarations of Joel Katcoff, Jeremy Noe, Frank M. Musat, Eli O. Meltzer, M.D., Mark T. Frost, Jerry L. Atwood, Ph.D., Michael L. Gross, Ph.D. Declaration of James A. Karboski and Richard P. Rozeck, Ph.D.; and

The Court having considered the positions of the parties, and for good cause shown;

**IT IS ON THIS** 29<sup>th</sup> day of September, 2005

**ORDERED** that on the 27<sup>th</sup> day of October, at 9:00 a.m., Barr, Teva, Ranbaxy and Amino shall show cause before the Honorable Joseph A. Greenaway, <sup>JG</sup>sitting at the Martin Luther King Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, why an Order should not be entered preliminarily enjoining each and all of them from marketing, selling, distributing, transporting, shipping and delivering Barr and Teva's 30 mg, 60 mg and 180 mg generic fexofenadine tablet version of Allegra<sup>®</sup> pending a trial on and resolution of the liability issues in these cases and/or pending further Order of this Court; and it is further

**ORDERED** that defendants Barr, Teva, Ranbaxy and Amino shall file and serve any opposition papers to the within Order to Show Cause by October 12, 2005; and it is further

**ORDERED** that plaintiffs Aventis and AMR shall file and serve any reply papers to defendants' opposition by October 19, 2005; and it is further

**ORDERED** that a copy of this Order to Show Cause be served upon defendants Barr, Teva, Ranbaxy and Amino within 2 days of the date hereof; and it is further

**ORDERED** that the Court shall require Plaintiffs Aventis and AMR to post an appropriate bond on a date and in an amount to be determined by the Court as necessary.



HONORABLE JOSEPH A. GREENAWAY, JR.  
UNITED STATES DISTRICT JUDGE